

STAYED,ENE,IFP,LEAD,USMSVC

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:17-cv-01191-JAH-RBB**

Reyes v. Bureau of Indian Affairs Southern California Agency
Assigned to: Judge John A. Houston
Referred to: Magistrate Judge Ruben B. Brooks
Cause: 05:0552fi Freedom of Information Act

Date Filed: 06/13/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Emilio Reyes

represented by **Emilio Reyes**
615 5th Ave
Chula Vista, CA 91910
619-829-0130
PRO SE

V.

Defendant

**Bureau of Indian Affairs Southern
California Agency**

represented by **U S Attorney CV**
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Defendant

**United States Department of the
Interior**
Office of the Solicitor

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Rebecca Grace Church
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Defendant

Weldon Bruce Loudermilk
*in his capacity as Director of the Bureau
of Indian Affairs*
TERMINATED: 11/02/2017

represented by **U S Attorney CV**
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Katherine Lind Parker
(See above for address)
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Defendant

Ryan Zinke
*in his capacity as Secretary of the United
States Department of the Interior*
TERMINATED: 11/02/2017

represented by **U S Attorney CV**
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Katherine Lind Parker
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Defendant

Amy Dutschke
*in her capacity as Regional Director of
the Bureau of Indian Affairs, Pacific
Regional Office*
TERMINATED: 11/02/2017

represented by **U S Attorney CV**
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Katherine Lind Parker
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LEAD ATTORNEY
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Defendant

Javin Moore
*in his Superintendent of the Bureau of
Indian Affairs, Southern California
Agency*
TERMINATED: 11/02/2017

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Katherine Lind Parker

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Date Filed	#	Docket Text
06/13/2017	<u>1</u>	COMPLAINT against Bureau of Indian Affairs Southern California Agency, IFP Filed, filed by Emilio Reyes. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:17-cv-1191-JLS-KSC. Judge Janis L. Sammartino and Magistrate Judge Karen S. Crawford are assigned to the case.(fth) (jao). (Entered: 06/13/2017)
06/13/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Emilio Reyes. (fth) (jao). (Entered: 06/13/2017)
06/20/2017	<u>3</u>	ORDER (1) Granting <u>2</u> Motion to Proceed in forma pauperis (2) Directing Service. It is ordered that the Court grants Plaintiff leave to proceed IFP. The Court Orders the U.S. Marshal to serve a copy of the Complaint and summons upon Defendants as directed by Plaintiff on the USM Form 285s provided to him. All costs of that service will be advanced by the United States. Orders Defendants, once they have been served, to reply to Plaintiff's Complaint within the time provided by the applicable provisions of Federal Rule of Civil Procedure 12(a). See 42 U.S.C. § 1997e(g)(2). Orders Plaintiff, after service has been effected by the U.S. Marshal, to serve upon each Defendant, or if appearance has been entered by counsel, upon Defendants' counsel, a copy of every further pleading, motion, or other document submitted for the Courts consideration pursuant to Fed. R. Civ. P. 5 (b). Signed by Judge Janis L. Sammartino on 6/20/2017. (All non-registered users served via U.S. Mail Service)(dxj) (Entered: 06/20/2017)
06/20/2017	<u>4</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically. (Attachments: # <u>1</u> IFP Letter)(IFP Packet Mailed)(dxj) (Entered: 06/20/2017)
06/30/2017	<u>5</u>	ORDER Sua Sponte Consolidating Cases: (1) 17cv1191-JLS-KSC, (2) 17cv1192-JLS-JMA, (3) 17cv1195-JLS-MDD; and Designating 17cv1191-JLS-KSC as Lead Case. All future docketing will be done in the lead case. Signed by Judge Janis L. Sammartino on 6/30/2017. (All non-registered users served via U.S. Mail Service) (fth) (Entered: 06/30/2017)
07/10/2017	<u>6</u>	SUMMONS Returned Executed (USM-285) by Emilio Reyes. Bureau of Indian Affairs Southern California Agency served. (fth) (Entered: 07/10/2017)
07/13/2017	<u>7</u>	SUMMONS Returned Executed 17cv1192 by Emilio Reyes. Bureau of Indian Affairs Southern California Agency served. (dxj) (Entered: 07/13/2017)
07/13/2017	<u>8</u>	SUMMONS Returned Executed 17cv1195 by Emilio Reyes. Bureau of Indian Affairs Southern California Agency served. (dxj) (Entered: 07/13/2017)
07/17/2017	<u>9</u>	NOTICE OF RELATED CASE(S) by Bureau of Indian Affairs Southern California Agency of case(s) 17cv1187; 17cv1188; 17cv1189; 17cv1190; 17cv1191; 17cv1192; 17cv1193; 17cv1194; 17cv1195; 17cv1196; 17cv1197; 17cv1417; 17cv1418; 17cv1419; 17cv1420 . (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (dxj). LNO prepared (jao). (Entered: 07/17/2017)
07/19/2017	<u>10</u>	SUMMONS Returned Executed by Emilio Reyes. Bureau of Indian Affairs Southern California Agency served. (dxj) (Entered: 07/19/2017)
08/07/2017	<u>11</u>	ANSWER to <u>1</u> Complaint, <i>Consolidated answer in cases 17-cv-1191, 17-cv-1192, and 17-cv-1195</i> by Bureau of Indian Affairs Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Parker, Katherine)Attorney Katherine Lind Parker added to party Bureau of Indian Affairs Southern California Agency(pty:dft) (dxj). (Entered: 08/07/2017)

08/21/2017	<u>12</u>	Notice of Document Discrepancies and Order Thereon signed by the Chambers of Judge Janis L. Sammartino Accepting Document: First Amended Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing Proof of Service. Nunc Pro Tunc 8/18/2017. (All non-registered users served via U.S. Mail Service)(mpl) (Entered: 08/21/2017)
08/21/2017	<u>13</u>	First AMENDED COMPLAINT against All Defendants, filed by Emilio Reyes. Nunc Pro Tunc 8/18/2017. (mpl) (Main Document 13 replaced on 8/22/2017) (mpl). (Entered: 08/21/2017)
08/22/2017	<u>14</u>	Notice of Document Discrepancies and Order Thereon Signed by the Chambers of Judge Janis L. Sammartino Accepting Document: First Amended Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing proof of service. OTHER: Per docket order 6: All future docketing will be done in the lead case. Nunc Pro Tunc 8/18/2017 (All non-registered users served via U.S. Mail Service)(mpl) (Entered: 08/22/2017)
08/22/2017	<u>15</u>	First AMENDED COMPLAINT re: Member Case 17cv1192-JLS-KSC against All Defendants, filed by Emilio Reyes. Nunc Pro Tunc 8/18/2017(mpl) (Main Document 15 replaced on 8/22/2017) (mpl). (Entered: 08/22/2017)
08/22/2017	<u>16</u>	Notice of Document Discrepancies and Order Thereon signed by the Chambers of Judge Janis L. Sammartino Accepting Document: First Amended Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing proof of service. OTHER: Per order docket 6: All future docketing will be done in the lead case. Nunc Pro Tunc 8/18/2017 (All non-registered users served via U.S. Mail Service)(mpl) (Entered: 08/22/2017)
08/22/2017	<u>17</u>	First AMENDED COMPLAINT re: member case 17cv1195-JLS-KSC, against All Defendants, filed by Emilio Reyes. Nunc Pro Tunc 8/18/2017 (mpl). (Entered: 08/22/2017)
08/22/2017	<u>18</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge John A. Houston and Magistrate Judge Ruben B. Brooks for all further proceedings. Judge Janis L. Sammartino, Magistrate Judge Karen S. Crawford no longer assigned to case. Pending hearings previously set before the original Judge(s) have been transferred to the newly assigned Judge(s). Create association to 3:17-cv-01190-JAH-RBB. The new case number is 17cv1191-JAH-RBB. Signed by Judge Janis L. Sammartino on 8/22/2017. Signed by Judge John Houston on 8/14/2017.(All non-registered users served via U.S. Mail Service)(mpl) (Entered: 08/24/2017)
08/28/2017	<u>19</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically. (Attachments: # <u>1</u> IFP Letter)(IFP Packet Mailed) (mpl) (Entered: 08/28/2017)
09/05/2017	<u>20</u>	MOTION to Dismiss Party (<i>Individual Defendants</i>) by Bureau of Indian Affairs Southern California Agency, Amy Dutschke, Weldon Bruce Loudermilk, Javin Moore, United States Department of the Interior, Ryan Zinke. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Proof of Service)(Parker, Katherine)Attorney Katherine Lind Parker added to party Amy Dutschke(pty:dft), Attorney Katherine Lind Parker added to party Weldon Bruce Loudermilk(pty:dft), Attorney Katherine Lind Parker added to party Javin Moore(pty:dft), Attorney Katherine Lind Parker added to party United States Department of the Interior(pty:dft), Attorney Katherine Lind Parker added to party Ryan Zinke(pty:dft) (Entered: 09/05/2017)
09/07/2017	<u>21</u>	NOTICE AND ORDER for Early Neutral Evaluation Conference. Early Neutral Evaluation set for 9/20/2017 01:30 PM before Magistrate Judge Ruben B. Brooks.. Signed by Magistrate Judge Ruben B. Brooks on 9/07/2017.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 09/07/2017)
09/19/2017	<u>22</u>	CERTIFICATE OF SERVICE (USM Form 285), by Emilio Reyes. U.S. Attorney's Office, San Diego served summons and complaint 9/14/2017. (jpp) (Entered: 09/19/2017)

09/21/2017	<u>23</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks. Early Neutral Evaluation Conference and Case Management Conference held on 9/21/2017. A settlement conference is set for December 19, 2017, at 2:00 p.m. The parties shall submit a joint settlement status report by December 12, 2017. Signed by Magistrate Judge Ruben B. Brooks on 9/21/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 09/21/2017)
09/21/2017	<u>24</u>	SCHEDULING ORDER regulating discovery and other pre-trial proceedings. A Settlement Conference shall be conducted on 12/19/2017, at 2:00 p.m. before Judge Ruben B. Brooks, Courtroom 2C. Proposed Pretrial Order due by 2/25/2019. Final Pretrial Conference set for 3/4/2019 02:30 PM in Courtroom 13B before Judge John A. Houston. Signed by Magistrate Judge Ruben B. Brooks on 9/21/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 09/21/2017)
09/22/2017	<u>25</u>	CERTIFICATE OF SERVICE (USM Form 285) by Emilio Reyes. Javin Moore served summons and complaint 9/14/2017.(jpp) (Entered: 09/25/2017)
09/25/2017	<u>26</u>	CERTIFICATE OF SERVICE (USM Form 285) by Emilio Reyes. Amy Dutschke served summons and complaint 9/15/2017.(jpp) (Entered: 09/25/2017)
09/25/2017	<u>27</u>	CERTIFICATE OF SERVICE (USM Form 285), by Emilio Reyes. Ryan Zinke served summons and complaint 9/18/2017.(jpp) (Entered: 09/25/2017)
10/05/2017	<u>28</u>	CERTIFICATE OF SERVICE (USM Form 285), by Emilio Reyes. Office of the Attorney General – Dept of Justice served summons and complaint 9/18/2017. (jpp) (Entered: 10/11/2017)
10/30/2017	<u>29</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Plaintiff's Statement of Non-Opposition to Motion for Dismissal., from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 7.1: Date noticed for hearing not in compliance with rules/documents are not timely. Nunc Pro Tunc 10/05/2017. Signed by Judge John A. Houston on 10/30/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 10/30/2017)
10/30/2017	<u>30</u>	Statement of NON Opposition re <u>20</u> MOTION to Dismiss Party (<i>Individual Defendants</i>), filed by Emilio Reyes. NUNC PRO TUNC 10/05/2017 (jpp) (Entered: 10/30/2017)
11/02/2017	<u>31</u>	ORDER granting <u>20</u> Defendant's Motion to Dismiss. Defendants Weldon Loudermilk, Ryan Zinke, Amy Dutschke, and Javin Moore are DISMISSED with prejudice. Signed by Judge John A. Houston on 11/02/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 11/02/2017)
12/20/2017	<u>32</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks: Settlement Conference held on 12/20/2017. The parties advised the Court that case 17cv1192-JAH(RBB) has settled. Accordingly, the Court sets a telephonic attorneys-only settlement disposition conference in 17cv1192-JAH(RBB) for January 23, 2018, at 8:00 a.m. with Magistrate Judge Brooks. Signed by Magistrate Judge Ruben B. Brooks on 12/20/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 12/20/2017)
12/20/2017	<u>33</u>	MINUTE ORDER – Settlement Conference was held. Settlement Conference set in 17CV1191-JAH(RBB) and 17CV1195-JAH(RBB) for 2/7/2018 01:30 PM before Magistrate Judge Ruben B. Brooks. Signed by Magistrate Judge Ruben B. Brooks on 12/20/2017. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 12/20/2017)
01/04/2018	<u>34</u>	Joint MOTION to Dismiss <i>Case No. 17cv1192 JAH RBB</i> by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) Attorney Rebecca Grace Church added to party Bureau of Indian Affairs Southern California Agency(pty:dft), Attorney Rebecca Grace Church added to party United States Department of the Interior(pty:dft) (jpp). (Entered: 01/04/2018)
01/05/2018	<u>35</u>	ORDER granting <u>34</u> Joint Motion to Dismiss member case 17CV1192-JAH(RBB) without prejudice. Signed by Judge John A. Houston on 1/5/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 01/05/2018)

02/01/2018	<u>36</u>	SUMMONS Returned Executed (USM Form 285) by Emilio Reyes. Weldon Bruce Loudermilk served. (jpp) (Entered: 02/05/2018)
02/01/2018	<u>37</u>	SUMMONS Returned Executed (USM Form 285) by Emilio Reyes. United States Department of the Interior served, Office of the Solicitor. (jpp) (Entered: 02/05/2018)
02/07/2018	<u>38</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks. Settlement Conference held on 2/7/2018. Settlement Conference set for 5/16/2018 at 1:30pm. Signed by Magistrate Judge Ruben B. Brooks on 2/07/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/07/2018)
03/19/2018	<u>39</u>	Joint MOTION to Amend/Correct <i>the Scheduling Order</i> by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)(jpp). (Entered: 03/19/2018)
03/22/2018	<u>40</u>	ORDER granting <u>39</u> Joint Motion to Amend the Scheduling Order (ECF <u>39</u>) and issuing an Amended Scheduling Order regulating Discovery and other pre-trial proceedings. Settlement Conference set for 6/27/2018 01:30 PM in Courtroom 2C before Magistrate Judge Ruben B. Brooks. Proposed Pretrial Order due by 6/17/2019. Final Pretrial Conference set for 6/24/2019 02:30 PM in Courtroom 13B before Judge John A. Houston. Signed by Magistrate Judge Ruben B. Brooks on 3/22/2018. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/22/2018)
06/20/2018	<u>41</u>	MINUTE ORDER – Due to a conflict on the Courts calendar, the settlement conference scheduled for June 27, 2018, at 1:30 p.m. is reset to July 10, 2018, at 10:00am. All other guidelines and requirements remain in effect. Signed by Magistrate Judge Ruben B. Brooks on 6/20/2018.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 06/20/2018)
07/11/2018	<u>42</u>	MINUTE ORDER: A settlement conference was held. A settlement conference is set for 1/15/2019 at 2:00 p.m. before Magistrate Judge Ruben B. Brooks. The parties shall submit a joint settlement status report by 1/8/2019. Signed by Magistrate Judge Ruben B. Brooks on 7/10/2018.(All non-registered users served via U.S. Mail Service)(mpl) (Entered: 07/11/2018)
12/03/2018	<u>43</u>	Joint MOTION to Dismiss <i>Case No. 17cv1195</i> by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 12/03/2018)
12/03/2018	<u>44</u>	ANSWER to <u>13</u> Amended Complaint <i>First Amended Complaint Case No. 17cv1191</i> by United States Department of the Interior, Bureau of Indian Affairs Southern California Agency. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 12/03/2018)
01/02/2019	<u>45</u>	Ex Parte MOTION to Stay <i>During Lapse in Federal Appropriations</i> by United States Department of the Interior. (Attachments: # <u>1</u> Proof of Service)(Norris, Brett)Attorney Brett Norris added to party United States Department of the Interior(pty:dft) (dlg). (Entered: 01/02/2019)
01/04/2019	<u>46</u>	ORDER granting <u>45</u> Motion to Stay During Lapse in Federal Appropriations. Signed by Judge John A. Houston on 1/3/19. (All non-registered users served via U.S. Mail Service)(dlg) (Entered: 01/04/2019)
01/08/2019	<u>47</u>	MINUTE ORDER – In light of the stay in effect in these matters due to the lapse in federal appropriations, the Court continues the settlement conference set for January 15, 2018 to February 26, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by February 19, 2019. As the date of the settlement conference approaches, the Court will reevaluate whether a further continuance is required if Congress has not yet appropriated funds by that time.Signed by Judge Ruben B. Brooks on 1/08/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 01/08/2019)
02/01/2019	<u>48</u>	Joint MOTION to Amend/Correct <u>40</u> Order on Motion to Amend/Correct,, <u>47</u> Order,,, Set Hearings,,, Terminate Hearings,,, <i>Regarding Lift of Stay</i> by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 02/01/2019)

02/05/2019	<u>49</u>	MINUTE ORDER – On February 1, 2019, the parties filed a joint motion regarding lift of stay and request to amend the scheduling order (ECF No. 48). The joint motion is GRANTED. The settlement conference set for February 26, 2019 is continued to March 19, 2019, at 2:00 p.m. The parties shall submit a joint settlement status report by March 12, 2019. Additionally, the pretrial conference set for June 24, 2019, at 2:30 p.m. before the Honorable John A. Houston is vacated. The pretrial conference will be reset after the resolution of pretrial motions. Signed by Magistrate Judge Ruben B. Brooks on 2/05/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/05/2019)
02/06/2019	<u>50</u>	MINUTE ORDER – The parties joint request to continue the deadline to file pretrial motions, set forth in their joint motion regarding lift of stay and request to amend the scheduling order [ECF No. 48], is GRANTED. The deadline to file pretrial motions is continued from February 25, 2019, to April 23, 2019. Signed by Magistrate Judge Ruben B. Brooks on 2/06/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 02/06/2019)
03/20/2019	<u>51</u>	Minute Order for proceedings held before Magistrate Judge Ruben B. Brooks: Settlement Conference held on 3/20/2019. Settlement Conference set for 7/9/2019 at 2:00pm. Signed by Magistrate Judge Ruben B. Brooks on 3/20/2019. (All non-registered users served via U.S. Mail Service)(jpp) (Entered: 03/20/2019)
04/23/2019	<u>52</u>	MOTION for Summary Judgment on <i>FOIA Complaint</i> by Bureau of Indian Affairs Southern California Agency, United States Department of the Interior. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Howard, # <u>3</u> Declaration Moore, # <u>4</u> Proof of Service)(Church, Rebecca) (jpp). (Entered: 04/23/2019)
05/13/2019	<u>53</u>	Notice of Document Discrepancies and Order Thereon by Judge John A. Houston Accepting Document: Ex Parte Application for Order Permitting Plaintiffs Late Filing on Response to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, from Plaintiff Emilio Reyes. Non-compliance with local rule(s), Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document. Nunc Pro Tunc 5/13/2019. Signed by Judge John A. Houston on 5/13/2019.(All non-registered users served via U.S. Mail Service)(jpp) (Entered: 05/14/2019)
05/13/2019	<u>54</u>	Ex Parte Application for Order Permitting Plaintiffs Late Filing on Response to Defendants Notice of Motion and Motion and Motion for Summary Judgment on FOIA Complaint, by Emilio Reyes.NUNC PRO TUNC 5/13/2019 (jpp) (Entered: 05/14/2019)